

for

DISTRICT OF OREGON

PETITION AND ORDER
FOR MODIFICATION OF
CONDITIONS OF
SUPERVISED RELEASE

U.S.A. vs. Jacob David Bardwell Sherman

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Docket No. CR 02-302-01-RE

Petition on Probation and Supervised Release

COMES NOW BRIAN P. RING, PROBATION OFFICER OF THE COURT, presenting an official report upon the conduct and attitude of Jacob David Bardwell Sherman, who was placed on supervision by The Honorable James A. Redden sitting in the court at Portland, Oregon, on the 18th day of September, 2003, who fixed the period of supervision at three years,* and imposed the general terms and conditions theretofore adopted by the court.

*Term of supervised release commenced on December 24, 2006.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

(If short insert here; if lengthy write on separate sheet and attach)

The defendant has a history of substance abuse which has been an element of the offender's criminal history and instant offense. Drug testing is the most reliable method for monitoring the defendant's substance abuse.

The Ninth Circuit Court of Appeals' finding in *Stephens* limits the probation officer to three random substance abuse tests outside of a treatment program, pursuant to 18 USC § 3583(d). The defendant's history warrants continuing substance abuse monitoring.

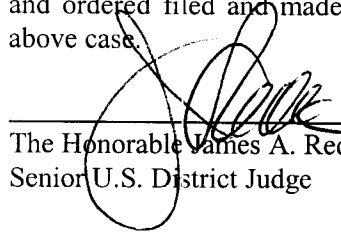
The defendant has agreed to the proposed modification and waived the personal appearance before the Court.

PRAYING THAT THE COURT WILL ORDER upon consideration of factors set forth in 18 USC § 3553(a), that the defendant's conditions of supervised release be modified to include the following added special condition(s):

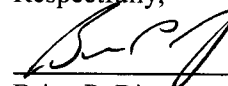
The defendant shall participate in a substance abuse treatment program as directed by the probation officer which may include urinalysis testing to determine if the defendant has used drugs or alcohol. In addition to urinalysis testing that may be part of a formal drug treatment program, the defendant shall submit up to eight (8) urinalysis tests per month.

ORDER OF THE COURT

Considered and ordered this 23rd day of January, 2007, and ordered filed and made a part of the records in the above case.


The Honorable James A. Redden
Senior U.S. District Judge

Respectfully,


Brian P. Ring
U.S. Probation Officer

Place: Portland, Oregon

Date: January 19, 2007

**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON—PROBATION OFFICE**

**WAIVER OF HEARING TO MODIFY CONDITIONS
OF PROBATION/SUPERVISED RELEASE**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release.

The defendant shall participate in a substance abuse treatment program as directed by the probation officer which may include urinalysis testing to determine if the defendant has used drugs or alcohol. In addition to urinalysis testing that may be part of a formal drug treatment program, the defendant shall submit up to eight (8) urinalysis tests per month.

Witness: _____

U.S. Probation Officer

Signed: _____

Probationer or Supervised Releasee

Date: _____

12/27/06